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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,055	10/24/2003	Gilbert W. Younger	404-039	1543

7590

04/27/2005

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EXAMINER

PANG, ROGER L

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,055

Applicant(s)

YOUNGER, GILBERT W.

Examiner

Roger L Pang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 11-14 and 18-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to communications filed for application 10/693,055 on March 10, 2005.

Election/Restrictions

Claims 11-14, and 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species/subcombinations, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 10, 2005.

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of **50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means"

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and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: the Brief Description of Drawings needs to reflect Figures 1A-1D.

Appropriate correction is required.

Drawings

The drawings were received on 3-22-04. These drawings are approved.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claims 7 and 8, if there are various models of the 4R100 or E40D transmissions, then these limitations would be constantly changing, and therefore not defined. Applicant has not narrowed the transmission to a specific year, or provided detailed descriptions of each transmission. With regard to claim 9, applicant has claimed two passageways in claim 1

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as “one” and “said other.” However, in claim 9, applicant is using the limitation of “said one” which is assumed to refer to the passageway that is reduced (from claim 3), however, that passageway is actually “said other” passageway, and not “said one.” Applicant should amend the claim language to prevent such confusion. It is suggested that applicant name the two passageways --first and second-- passageways in claim 1, then refer to them accordingly in the dependent claims. Then “said one” from claim 9 will not be confused with “said one” in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Arisumi. With regard to claim 1, Arisumi teaches a method for modifying the hydraulic circuitry of a “factory installed” automotive transmission (said “factory installed” modification is being read as possibly being a total replacement, adding the channels into the un-drilled block, or replacement of an non-present transmission) of the type including at least two fluid flow passageways 360/362 disposed in fluid communication between a “factory installed” manual valve 160 and a “factory installed” manual timing valve 306, said manual timing valve being disposed in fluid communication between said at least two fluid flow passageways and a “factory installed” low an reverse modulator valve 316 such that fluid pressure from both of said tow fluid flow passageways is simultaneously applied to said low and reverse modulator valve through said manual timing valve (When vale opens; Col. 14, lines 5-11); the steps of said method

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comprising: modifying said “factory installed” manual timing valve such that fluid pressure is applied to said modified manual timing valve simultaneously from both of said two fluid flow passageways to move said manual timing valve until a predetermined pressure is applied thereto (via 368), and thereafter causing said manual timing valve to block fluid flow through one 360 of said two fluid flow passageways so that fluid pressure is applied to said low and reverse modulator valve through said manual timing valve only through the other 364 of said two fluid flow passageways (Col. 14, lines 11-19). With regard to claim 2, Arisumi teaches the method, wherein the step of modifying the “factory installed” manual timing valve includes the step of replacing the “factory installed” manual timing valve with a manual timing valve defining a land 330 which blocks fluid flow from said one of two fluid flow passageways as a result of said movement of said manual timing valve when said predetermined pressure is applied thereto. With regard to claim 3, Arisumi teaches the method, further comprising the step of reducing the diameter of one of said two fluid flow passageways 362 disposed in fluid communication between said manual valve and said manual timing valve for reducing the rate of fluid flow through said one fluid flow passageway. With regard to claim 4, Arisumi teaches the method, further comprising the step of reducing the diameter of said other 362 of said fluid flow passageways to reduce the rate of fluid flow through said other of said fluid flow passageways (at 364). With regard to claim 5, Arisumi teaches the method, further comprising the step of reducing the rate at which fluid pressure is applied to said low and reverse modulator valve through said manual timing valve as a result of the reduced rate of fluid flow through said other of said fluid flow passageways.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arisumi. Arisumi teaches the method, wherein said predetermined pressure causes the manual timing valve to block said one fluid passageway, but lacks the specific teaching wherein said pressure does not exceed 48 psi. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Arisumi to employ a predetermined pressure not exceeding 48 psi, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arisumi. With regard to claims 9 and 10, Arisumi teaches the method wherein the other fluid passageway is reduced, but lacks the specific teaching of said diameter does not exceed .56 inches. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Arisumi to employ a reduced diameter not exceeding .56 inches, since a change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Allowable Subject Matter

Claim 17 is allowed.

Claims 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

VanSelous and Younger '953 have been cited to show similar methods of modifying "factory installed" transmissions.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

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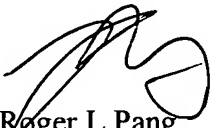
If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Primary Examiner
Art Unit 3681

April 22, 2005